

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

)
DANUTA WOZIAK, Individually and as)
Special Administrator of the ESTATE of)
JAN WOZIAK, deceased,)
Plaintiff,) Civil Action No. 08 cv1361
-vs-) Judge Lefkow
WYNDHAM HOTELS AND RESORTS, LLC) Magistrate Judge Denlow
a Foreign Corporation,)
Defendant.)

PLAINTIFF'S MOTION TO STAY BRIEFING SCHEDULE ORDER

NOW COMES the Plaintiff DANUTA WOZIAK, Individually and as Special Administrator of the ESTATE OF JAN WOZIAK, deceased, by and through her attorney, NEMEROFF LAW OFFICES, LTD., and on their motion to stay the briefing schedule order entered on April 8, 2008 and conduct limited written and oral discovery. In support of said motion, states as follows:

1. The above captioned matter arises out an incident in which the Decedent, Jan Wozniak, died as a result of a fall on the premises of the Wyndham CZM Report & Spa Caribbean Rm located in Cozumel, Mexico.
2. Defendant filed a motion to dismiss this matter based on forum non-conveniens.
3. On April 8, 2008 the court entered a briefing schedule order on defendant's motion (without the motion heard in court) giving plaintiff until April 29, 2008 to file a written response and defendant's until May 6, 2008 to file a written reply.
4. Plaintiff is requesting that this court enter an order staying the briefing schedule order on defendant's motion because there is limited discovery that needs to be completed before plaintiff's counsel can appropriately respond to defendant's motion.
5. Plaintiff's counsel is requesting leave to issue written interrogatories to defendant's counsel concerning the franchise agreement, and the rights and responsibilities between Wyndham Hotels and Resorts and Islander Properties.

6. Plaintiff's counsel is also requesting leave to take the depositions of defendant's affiants Valerie Capers Workman (Franchise Administrator for Wyndham Hotels and Reports) and Emilo Gonzalez de Castilla del Valle. Both have submitted affidavits which are attached to the motion.

7. In the alternative, should this court not allow the plaintiff the right to conduct limited discovery, plaintiff is requesting an extension of the briefing schedule order giving plaintiff an additional twenty-one (21) days from April 29, 2008 until May 20, 2008 in order to retain an expert witness to appropriately respond to defendant's motion.

WHEREFORE, Plaintiff, DANUTA WOZNIAK, Individually and as Special Administrator of the ESTATE OF JAN WOZNIAK, deceased, respectfully requests that this court enter an order as follows:

- 1) Plaintiff has leave to issue written interrogatories concerning the franchise agreement between Wyndham Hotels and Resorts and Islander Properties;
- 2) Plaintiff has leave to depose defendant's affiants, Valerie Capers Workman and Emilo Gonzalez de Castilla del Valle;
- 3) In the alternative should this court not allow plaintiff to conduct limited written and oral discovery, extend the briefing schedule order to allow plaintiff's counsel an additional twenty-one (21) days from April 29, 2008 until May 20, 2008 to file a written response; and
- 4) Any further relief this court deems necessary or just.

Respectfully submitted,

(electronically signed)
David Nemeroff

David Nemeroff
Nemeroff Law Offices, Ltd.
Attorneys for Plaintiff
55 W. Monroe St., Suite 600
Chicago, IL 60603
(312) 629 -8800 (telephone)
(312) 629 -8800 (facsimile)
juryman1@aol.com